

Appl. No. 09/829,168
Docket No. P116RC
Amdt. dated February 25, 2008
Reply to Office Action mailed on October 25, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1 and 3 – 9 and 11 – 12 are pending in the present application. Claims 1, 3 – 6, 9, and 11 – 12 have been rejected under 35 U.S.C. § 103. Claims 1 – 6, 9, and 11 – 12 have been canceled. Claims 7 and 8 have been amended to be rewritten in independent form. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Claims 7 and 8

Office Actions mailed on March 29, 2007 and November 3, 2006 have indicated that Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. As Claims 7 and 8 are not currently indicated as being rejected, Claims 7 and 8 have been rewritten in independent form including all of the limitations of the base claim. Applicants respectfully request allowance of Claims 7 and 8.

Rejection Under 35 U.S.C. § 103(a) Over Meyer in view of Fujimori

Claims 1, 3 – 5 and 9, 11, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer (EP 0,259,713) in view of Fujimori (US Patent No. 5,294,458). Applicant respectfully traverse this rejection. In an effort to advance prosecution, however, claims 1, 3 – 5, 9, 11 and 12 have been canceled thereby rendering this rejection moot. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection Under 35 U.S.C. § 103(a) Over Meyer in view of Fujimori and further in view of Gil

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Fujimori and further in view of Gil (US Patent No. 5,709,888). Applicant respectfully traverses this rejection. In an effort to advance prosecution,

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however, claim 6 has been canceled thereby rendering this rejection moot. Applicants respectfully request reconsideration and withdrawal of the rejection.

Rejection on the grounds of *res judicata*

Claims 1, 3 – 6, and 9, 11, and 12 are rejected on the ground of *res judicata* over a determination by the Board of Appeals in Appeal No. 2005-1949. Applicant respectfully traverses this rejection. In an effort to advance prosecution, however, claims 1, 3 – 6, 9, 11, and 12 have been canceled thereby rendering this rejection moot. Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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